

Comments

Board of Supervisors
County of San Bernardino

January 12, 1999

KATHY A. DAVIS
SUPERVISOR, FIRST DISTRICT

RECEIVED

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MOJAVE NATIONAL
PRESERVE

Ms. Mary Martin, Superintendent
Mojave National Preserve
222 East Main Street, Suite 202
Barstow, CA 92311

Dear Superintendent Martin:

Thank you for the opportunity to provide comments and input into the Draft General Management Plan for the Mojave National Preserve.

We have participated in the planning process to the extent of having representatives, either myself or others representing the County, at meetings of the Advisory Commission and to the various scoping and briefing meetings that you have held throughout the region. We appreciate the efforts at outreach that the Service has made, both with regard to this draft plan and that for Death Valley.

SBBS1 We have an overall concern with the GMP format. In some cases the Draft Plan is quite detailed, in others it lacks specifics and lays out a need to do further planning. With regard to dealing with some issues, such as relating to Kelso Depot, the Proposed Action is quite detailed as to what the National Park Service seeks to accomplish. In others, such as Roads and Circulation and Interpretive and Orientation Program, it is difficult to provide any input since the Draft GMP simply indicates a further plan may or will be done. Roads and Circulation is of special significance to the County since the plan expects us to continue maintenance, yet an agreement to provide for this, and other matters has not been completed in the four years since NPS assumed administration of the area. I feel that in many cases the Service should have delayed the final plan until they could produce a more clear and detailed plan.

I offer the following specific comments on the Draft Plan, and look forward to the Commission meeting later this month to discuss these and other issues, which may be raised during the comment period.

SBBS2 1. I believe the western heritage issues associated with settlement and human use of the desert need to be incorporated into all aspects of the Purpose, Significance and Interpretive Themes, and Management Objectives elements of the Plan. I believe the history of exploration, settlement, mining and ranching, in essence the human history of the region, is as important as its natural history, and its protection and interpretation has an opportunity to be preserved in the Preserve, consistent with the additional objectives of the National Park Service. The fact that Congress made this a Preserve, not a Park, and specifically allowed uses such as grazing and hunting to continue, and recognizes valid existing rights as to mining, seems to indicate that this aspect should clearly be part of the Mojave's basic theme and objective.

SBBS3 2. We do not agree with the Service's decision not to address R.S. 2477 assertions (page 39). While we recognize that the Service may be under Secretarial restrictions to not consider such assertions, we believe that are "valid existing rights" and therefore protected under Section 507 of the California

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Responses

SBBS1. See comment CDGG5 and CDFG27.

SBBS2. In regard to the level of detail for Kelso Depot, a conscious decision was made to complete the necessary preliminary planning in this General Management Plan to allow the rehabilitation of the depot for use as a visitor center to be fast-tracked.

SBBS3. The draft plan currently addresses the importance of the settlement and human use of the preserve in the purpose, significance, and management objectives. However, in regard to allowable uses, such as grazing, mining, and hunting, these are not park purposes, but uses that may be permitted in compliance with applicable laws. Clearly, some aspects of the past grazing and mining are significant elements of the history of the area and need to be interpreted as such. It should be made clear that Congress set aside the area as a national preserve to protect the outstanding natural, cultural and recreational values as a unit of the national park system. Uses of the land and resources, such as grazing, mining and hunting, are to be allowed, to the extent they don't compromise the basic purposes of the unit.

Determinations of the validity of RS-2477 right-of-way assertions are not planning decisions and cannot be addressed in the NEPA process. A right-of-way asserted under RS-2477 is not automatically assumed to be valid. Regardless of whether a party can successfully assert a valid claim to a right-of-way across national park land, the NPS retains the authority to regulate use of an RS-2477 right-of-way. *See U.S. v. Vogler*, 859 F.2d 638, 642 (9th Cir. 1988).

Comments

Mary Martin
January 12, 1999
page 2

SBBS4

Desert Protection Act. We believe that the term on page 39 "route determinations" should be replaced with the term "assertions." San Bernardino County included several roads in the Preserve in its assertion resolution (No. 98-sxxx) dated July 24, 1998. We will be writing you on this matter in separate correspondence.

SBBS5

3. We are concerned over the proposals relative to water resources on page 53. While we agree with the long-term intent to restore natural waters, we also believe that public agencies, ranchers, and citizens have no small investment in much of the water development and facilities in the Preserve. These have enhanced wildlife values and allowed populations of upland birds, bighorn sheep and other species to increase. While we would agree with "replacement" we also believe that the Park Service should make a commitment that the existing facilities will be maintained, and enhanced when necessary, so as to maintain a thriving wildlife population. In addition, maintenance should allow access as needed into the designated wilderness units within the Preserve.

4. We commend the Service for the proposal on livestock grazing (page 87), to not remove or restrict grazing on desert tortoise habitat absent a specific showing of harm or conflict. It was clear from the seminar held by the Commission at the Nipton meeting that evidence is lacking that there is a direct loss to either habitat or animals from livestock grazing, and there is some indication there may be benefits.

We do believe that the list of actions related to tortoise habitat management on page 56 be amended as follows:

SBBS6

- Add a phrase indicating that the Service will maintain the livestock enclosures in Colton Hills and Ivanpah Valleys and continue to use them for monitoring habitat and populations.

SBBS7

- Add a condition to the "no new roads" phrase indicating an exception for realignment of existing roads for safety considerations.

SBBS8

5. We would appreciate the Interpretive section to be more specific and not simply a plan to plan. Again, I stress the need to give emphasis to interpreting the human history of the region. There is clearly an opportunity to do so with working ranches and mines - - so as not to discourage the operators, but to use them to increase the public's understanding of their importance - in both a historical context and as a present positive economic and well-managed contributor to the region.

SBBS9

6. We applaud the efforts the Service is making to stabilize and restore the Kelso Depot.

SBBS10

7. Is there a proposed list of "informal camping areas (page 67)?" This would be helpful to know and seems to be one of those details that should be in the Plan so we can properly assess just what the effect of the Plan is.

SBBS11

8. The numbers of users associated with "Organized Events" (page 69) seems too small for the area. Regardless of ease of getting permits, much of the use of desert regions is social in nature. I recommend (a) a higher ceiling, and (b) absolute consistency among all NPS units in the Desert. The Plan would be most helpful if it also indicated the opportunity for citizens to get permits for events—7 days a week? At all NPS offices and Visitor Centers? Where else?

SBBS12

9. The Roads and Circulation section (page 71) indicates the need to complete the agreement for maintenance and borrow sites with the County within the Preserve. The agreement should be finalized prior to completion of the GMP and incorporated in it. We look forward to finalizing this document. The section and the agreement need to provide not only for maintenance and materials, but for realignments which may be required for highway safety, and also for emergency operations following flash floods or other catastrophic events.

Responses

SBBS4. The current section on water developments in the proposed action clearly provides for retention and maintenance of developments where necessary to replace natural waters lost due to human activities. Motorized access to sites in wilderness would be considered extraordinary and would not be routinely allowed unless unusual circumstances warranted it, and it was determined to be the minimum tool necessary for the administration of the wilderness. These instances would be considered on a case-by-case basis consistent with the Wilderness Act, and nothing in the California Desert Protection Act provides any additional authority. In fact, each water development in wilderness would have to be examined in light of the restrictions in the Wilderness Act on structures and installations. The text has been modified.

SBBS5. Comments noted.

SBBS6. The determination on whether to retain the enclosures over the long term would be made in consultation with appropriate scientists.

SBBS7. Stated policy would allow for repair of existing roads. A major action, such as road realignment would require additional planning and preparation of the necessary environmental compliance documents before road construction. The character of the existing road system shall remain relatively intact to preserve the existing visitor experience. Changes may be considered in the future through the NEPA process if action may be needed to protect park resources or the public's safety.

SBBS8. The specifics for interpretation planning are presented in an interpretive plan. Such a plan is presently being prepared. Attention will be given to both the natural and human history of the Mojave in the interpretive plan.

SBBS9. Comment noted.

Comments

Mary Martin
January 12, 1999
page 3

SBBS13

10. The map on page 79 showing land status should show the Lanfair Exclusion area, and the text needs to adequately define it.

SBBS14

11. On page 87 the Draft GMP speaks of grazing management plans. The GMP should state that grazing plans are currently being followed by the ranchers, a continuation of range management activities and the Allotment Management Plans initiated during BLM administration. These plans have management objectives for vegetation and utilization, and it would be appropriate to show that NPS is aware of these, and to let the public know that this activity is currently under some form of protective management. The Draft GMP suggests that these are future activities, and modifications certainly would be. It would seem appropriate to indicate how NPS developed plans might differ or change grazing from the present patterns.

SBBS15

12. We believe that the section on Land Ownership and Use, together with Appendix C, the Land Protection Plan, should provide NPS with an avenue to review the boundaries as established by Congress. While the Preserve has only been in effect for 4 years, there are situations which have manifested themselves which should be open for review. Among these of concern to the County is the site of the Baker Landfill. Its presence, open or closed, is inappropriate in the Preserve, and we see no need for it being continued within the boundaries. While Congress would have to undertake boundary adjustment, we believe that this is one that all would understand, and agree that the cost of oversight administration by NPS is unneeded.

SBBS16

13. I believe the costs for implementing the Draft GMP should receive further analysis. To simply request an increase in staffing of 56, from 36 to 92, without citing what they would do and how they would contribute to both administration and improved management leaves the Draft Plan incomplete. This is a significant cost, in addition to the proposed capital expenditures of almost \$22 million.

The Draft Plan should specifically reflect the cost of preparing the additional 14 plans which the GMP calls for. How much additional implementation cost will be associated with these?

SBBS17

We find the proposal to even review the siting of the Hole-in-the-Wall Information Center ludicrous, and to provide cost for removal/reconstruction in the capital cost table is not reasonable at this time. The facility is new, having been opened in 1992. It is fully functional, and its siting is appropriate relative to resources and the adjacent campground.

SBBS18

14. We generally agree with the proposals related to visitor use, camping and other activities in the Preserve. We are particularly interested that activities such as use of the Mojave Road are an integral part of the Plan and the use of the Preserve. To the extent feasible we would encourage NPS to work with Dennis Casebier to integrate the Mojave Heritage Trail System into the public use and exploration experience of the Preserve.

Sincerely,



Kathy A. Davis
First District Supervisor
Member, Death Valley Advisory Commission

Cc: Rob Blair, Advisory Commission Chairman
Jerry Lewis, U. S. House of Representatives
Valery Pilmer, Director Land Use Services, San Bernardino County
Ken Millier, Director Transportation and Flood Control, San Bernardino County

Responses

SBBS10. Page 67 of the 1998 draft plan does not contain a list of informal campsites. Page 70 contains a list of informal high use campsites that were identified by the Bureau of Land Management, which continue to receive higher use. The need for an inventory of informal campsites has been identified and would be pursued in the future when funding or staff time is available. Informal campsites remain open for use unless designated closed.

SBBS11. The section on permitting and organized events has been expanded and clarified to provide a better understanding on this topic.

SBBS12. The text has been changed to note that an agreement would be pursued with the county to allow for continued maintenance of roads within the preserve. The overall management direction should be established in the general management plan (GMP) to provide general direction for an agreement. The National Park Service would then reinstate communications with the County to complete the draft agreement after the GMP is finalized.

SBBS13. There is no Lanfair Valley exclusion in the legislation. Private lands throughout the Preserve are managed in accordance with CDPA sections 519 and 708, as applicable. Lands identified in our legal description are not considered to be a part of the Preserve until acquired. However, acquisition is an option, and once acquired they automatically become part of the Preserve.

SBBS14. The plan has been revised to incorporate your suggestion. The NPS grazing management plan would be one plan for the entire preserve, instead of a plan for each allotment. Emphasis would be on preservation and on reducing impacts to park resources, particularly to the desert tortoise. Resource protection would be given priority over grazing activities. Grazing may be excluded from some areas if needed to protect sensitive resources.

Comments**Responses**

SBBS16. NPS criteria for examining potential boundary modifications in a general management plan are done with the purpose of adding lands with significant resources or opportunities, or that are critical to fulfilling the park mission. No such suggestions for boundary adjustments were received during scoping. To create a boundary change proposal to exclude land from the park or from wilderness would be highly controversial and would not fit the NPS criteria for boundary adjustments. The now closed landfill is a couple of miles within the preserve boundary. Changing the boundary would not change the existence of the reclaimed landfill, only create either a hole in the park, or remove several thousand acres.

SBBS17. See response to comment CDFG36.

SBBS18. Others have been critical of the siting of the information center trailers at Hole-in-the-Wall in front of a beautiful landscape. Current NPS management policy for facilities directs that they be secondary to the park resources and not distract or conflict with the visitors' experience of these resources. Options adhering to NPS management policy and design philosophy are being considered in a separate site-specific planning effort. These options include 1) no action, 2) reducing the footprint of the current structure in place and restoration much of the disturbed landscape, or 3) replacing the current modular structures at the end of their useful life in a new location with a structure that fits with the landscape. These options have been presented to the Advisory Commission, and will receive separate public scrutiny in an environmental assessment.

SBBS19. Comments noted. Mr. Casebier was one of the original appointed members of the Mojave National Preserve Advisory Commission and was involved.